

PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

|                        |                           |
|------------------------|---------------------------|
| Application Number     | 09/912,923                |
| Filing Date            | July 25, 2001             |
| First Named Inventor   | Tour et al.               |
| Art Unit               | 1631                      |
| Examiner Name          | Ardin H. Marschel         |
| Attorney Docket Number | 1789-05303 (11321-P123US) |

DAC  
ZEW

### ENCLOSURES (Check all that apply)

|  |   |  |
|--|---|--|
| <input checked="" type="checkbox"/> Fee Transmittal Form   | <input type="checkbox"/> Drawing(s)   | <input type="checkbox"/> After Allowance Communication to TC                             |
| <input checked="" type="checkbox"/> Fee Attached   | <input type="checkbox"/> Licensing-related Papers   | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences      |
| <input type="checkbox"/> Amendment/Reply   | <input checked="" type="checkbox"/> For Revival of an Application For Petition Patent Abandoned Unintentionally | <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)  |
| <input type="checkbox"/> After Final   | <input type="checkbox"/> Petition to Convert to a Provisional Application                                       | <input type="checkbox"/> Proprietary Information   |
| <input type="checkbox"/> Affidavits/declaration(s)   | <input type="checkbox"/> Power of Attorney, Revocation  | <input type="checkbox"/> Status Letter   |
| <input type="checkbox"/> Extension of Time Request   | <input type="checkbox"/> Change of Correspondence Address   | <input checked="" type="checkbox"/> Other Enclosure(s) (please Identify below):          |
| <input type="checkbox"/> Express Abandonment Request   | <input type="checkbox"/> Terminal Disclaimer  | <input type="checkbox"/> (1) Copy of RCE Transmittal as filed under Separate Cover       |
| <input type="checkbox"/> Information Disclosure Statement  | <input type="checkbox"/> Request for Refund   | <input type="checkbox"/> (2) Copy of Preliminary Amendment as filed under Separate Cover |
| <input type="checkbox"/> Certified Copy of Priority Document(s)                                    | <input type="checkbox"/> CD, Number of CD(s) _____  | <input type="checkbox"/> Landscape Table on CD   |
| <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application                            | <input type="checkbox"/> Remarks  |  |
| <input type="checkbox"/> <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53 | (3) Revocation of Power of Attorney With New Power of Attorney and Change of Correspondence                     |  |
|  | (4) Statement Under 37 CFR 3.73(b)  |  |
|  | (5) Check in the amount of \$750.00   |  |
|  | (6) Return Postcard   |  |

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

|              |                                 |          |        |
|--------------|---------------------------------|----------|--------|
| Firm Name    | Winstead Sechrest & Minick P.C. |          |        |
| Signature    |                                 |          |        |
| Printed name | Ross Spencer Garsson            |          |        |
| Date         | 6/5/06                          | Reg. No. | 38,150 |

### CERTIFICATE OF TRANSMISSION/MAILING

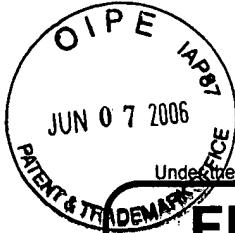
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

|                       |                 |      |              |
|-----------------------|-----------------|------|--------------|
| Signature             |                 |      |              |
| Typed or printed name | Beatrice Zepeda | Date | June 5, 2006 |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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06/08/2006 RFEKA001 00040016 091023  
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01 FE-2453



JUN 07 2006

PTO/SB/17 (10-04v2)

Approved for use through 07/31/2006, OMB 0651-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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# FEE TRANSMITTAL for FY 2005

Effective 10/01/2004. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

**TOTAL AMOUNT OF PAYMENT** (\$ 750.00)

| Complete if Known    |                           |
|----------------------|---------------------------|
| Application Number   | 09/912,923                |
| Filing Date          | July 25, 2001             |
| First Named Inventor | Tour et al.               |
| Examiner Name        | Ardin H. Marschel         |
| Art Unit             | 1631                      |
| Attorney Docket No.  | 1789-05303 (11321-P123US) |

**METHOD OF PAYMENT (check all that apply)**
 Check  Credit card  Money Order  Other  None

 Deposit Account:

Deposit Account Number 23-2426  
Deposit Account Name Winstead, Sechrest & Minick P.C.

The Director is authorized to: (check all that apply)

Charge fee(s) indicated below  Credit any overpayments  
 Charge any additional fee(s) or any underpayment of fee(s)  
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

**FEE CALCULATION****1. BASIC FILING FEE**

| Large Entity        | Small Entity  | Fee Description        | Fee Paid |
|---------------------|---------------|------------------------|----------|
| Fee Code (\$)       | Fee Code (\$) |                        |          |
| 1001 790            | 2001 395      | Utility filing fee     |          |
| 1002 350            | 2002 175      | Design filing fee      |          |
| 1003 550            | 2003 275      | Plant filing fee       |          |
| 1004 790            | 2004 395      | Reissue filing fee     |          |
| 1005 160            | 2005 80       | Provisional filing fee |          |
| <b>SUBTOTAL (1)</b> |               | <b>(\$ 0.00)</b>       |          |

**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

| Total Claims       | Extra Claims | Fee from below | Fee Paid |
|--------------------|--------------|----------------|----------|
| Independent Claims | -20** =      | X              | =        |
| Multiple Dependent | - 3** =      | X              | =        |

| Large Entity        | Small Entity  | Fee Description  |
|---------------------|---------------|--|
| Fee Code (\$)       | Fee Code (\$) |  |
| 1202 18             | 2202 9        | Claims in excess of 20                                     |
| 1201 88             | 2201 44       | Independent claims in excess of 3                          |
| 1203 300            | 2203 150      | Multiple dependent claim, if not paid                      |
| 1204 88             | 2204 44       | ** Reissue independent claims over original patent         |
| 1205 18             | 2205 9        | ** Reissue claims in excess of 20 and over original patent |
| <b>SUBTOTAL (2)</b> |               | <b>(\$ 0.00)</b>   |

\*\*or number previously paid, if greater; For Reissues, see above

**3. ADDITIONAL FEES**

| Large Entity  | Small Entity  | Fee Description  | Fee Paid |
|---------------|---------------|--|----------|
| Fee Code (\$) | Fee Code (\$) |  |          |
| 1051 130      | 2051 65       | Surcharge - late filing fee or oath  |          |
| 1052 50       | 2052 25       | Surcharge - late provisional filing fee or cover sheet                     |          |
| 1053 130      | 1053 130      | Non-English specification  |          |
| 1812 2,520    | 1812 2,520    | For filing a request for ex parte reexamination                            |          |
| 1804 920*     | 1804 920*     | Requesting publication of SIR prior to Examiner action                     |          |
| 1805 1,840*   | 1805 1,840*   | Requesting publication of SIR after Examiner action                        |          |
| 1251 110      | 2251 55       | Extension for reply within first month                                     |          |
| 1252 430      | 2252 215      | Extension for reply within second month                                    |          |
| 1253 980      | 2253 490      | Extension for reply within third month                                     |          |
| 1254 1,530    | 2254 765      | Extension for reply within fourth month                                    |          |
| 1255 2,080    | 2255 1,040    | Extension for reply within fifth month                                     |          |
| 1401 340      | 2401 170      | Notice of Appeal   |          |
| 1402 340      | 2402 170      | Filing a brief in support of an appeal                                     |          |
| 1403 300      | 2403 150      | Request for oral hearing   |          |
| 1451 1,510    | 1451 1,510    | Petition to institute a public use proceeding                              |          |
| 1452 110      | 2452 55       | Petition to revive - unavoidable   |          |
| 1453 1,370    | 2453 750      | Petition to revive - unintentional   | 750.00   |
| 1501 1,370    | 2501 685      | Utility issue fee (or reissue)   |          |
| 1502 490      | 2502 245      | Design issue fee   |          |
| 1503 660      | 2503 330      | Plant issue fee  |          |
| 1460 130      | 1460 130      | Petitions to the Commissioner  |          |
| 1807 50       | 1807 50       | Processing fee under 37 CFR 1.17(q)  |          |
| 1806 180      | 1806 180      | Submission of Information Disclosure Stmt                                  |          |
| 8021 40       | 8021 40       | Recording each patent assignment per property (times number of properties) |          |
| 1809 790      | 2809 395      | Filing a submission after final rejection (37 CFR 1.129(a))                |          |
| 1810 790      | 2810 395      | For each additional invention to be examined (37 CFR 1.129(b))             |          |
| 1801 790      | 2801 395      | Request for Continued Examination (RCE)                                    |          |
| 1802 900      | 1802 900      | Request for expedited examination of a design application                  |          |

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

**SUBTOTAL (3)** (\$ 750.00)**SUBMITTED BY**

|                   |                       |                                   |        |           |              |
|-------------------|-----------------------|-----------------------------------|--------|-----------|--------------|
| Name (Print/Type) | Ross Spencer Garrison | Registration No. (Attorney/Agent) | 38,150 | Telephone | 512.370.2870 |
| Signature         |                       |                                   | Date   | 6/5/06    |              |

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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11321-P123US

PATENT

- 1 -

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Tour et al.

Serial No.: 09/912,923

Filed: July 25, 2001

Group Art Unit: 1631

Before the Examiner: Marschel, Ardin H.

Title: METHOD OF MAKING A NANOSCALE ELECTRONIC  
COMPONENT COMPRISING PROGRAMMING WITH A  
SELF-ADAPTIVE ALGORITHM

Mail Stop Petitions  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT  
ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. §1.137(b)**

1. This application became abandoned on May 17, 2005 for failure to file a response to a final office action.
2. This application became abandoned because the failure to prosecute an unintentional delay. The entire delay in filing the required reply from the due date until the filing of this petition was unintentional.
3. The required response is attached herewith.
4. Applicants status is a small entity.

5. Please find enclosed a check for \$750.00 for payment of the petition fee under 37 C.F.R. §1.17(m).

Respectfully submitted,

WINSTEAD SECHREST & MINICK P.C.

Attorneys for Applicants

By: 

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11321-P123US 5/31/2006